## REMARKS

This paper responds to the Office Action mailed on August 31, 2004.

Claims 1, 7, 11, 13-17, 21, 23, 25, 33, and 40 are amended; as a result, claims 1-45 are now pending in this application.

### *Claim Objection*

Claim 23 was objected to as failing to end with a period. Claim 23 has been amended to end with a period. Therefore, this objection is now moot and should be withdrawn.

### *§101 Rejection of the Claims*

Claims 13-16 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. Although Applicant disagrees with the Examiner's determination that "functional data" is not statutory subject matter, Applicant has amended claims 13-16 such that these claims are now directed to a "data structure implemented in a computer readable medium." Applicant believes that this is sufficient and is what the Examiner expected. Thus, the rejections with respect to claims 13-16 should be withdrawn.

Data structures implemented in computer readable media are considered acceptable statutory subject matter. The Examiner's attention is directed to MPEP Sec. 2106 (a) where it is stated: "computer readable medium encoded with a data structure defines structural and functional interrelationships . . . and is thus statutory. This has been a long established fact in the Patent Office and in the Federal Courts. Thus, Applicant believes that the amended claims 13-16 are now properly worded and are acceptable statutory subject matter.

### *§102 Rejection of the Claims*

Claims 1-5, 7-9, 17, 18, 21, 23, and 25-27 were rejected under 35 USC § 102(e) as being anticipated by de la Iglesia et al. (U.S. 6,490,703). It is of course fundamental that in order to sustain an anticipation rejection that each and every step or element in the rejected claims must be taught in the cited reference.

Applicant's amended independent claims now recite data sources and target sources that are transitory, meaning that a data source may also be a target source and that the designation of

a data source or a target source is dependent upon an operation being performed. In other words, if a device is transferring data with a transfer operation then the device is designated as a data source. In other operations, the same device can be the recipient of inverted data, in which case it becomes a target source. The original support for these amendments maybe found, by way of example only, in the original filed specification on page 12 in the last full paragraph.

Applicant can not find this teaching in Iglesia. Moreover, Applicant would also like to point out that the data is transferred through a "port" in Iglesia. A port is defined as a connection point. See www.techtarget.com keyword "port." A port is not a storage area. Therefore, the rejections with respect to Iglesia should be withdrawn, since Iglesia does not teach transitory data sources and target sources and since Iglesia does not house data streams in a temporary storage before the data stream is manipulated and subsequently transferred to a target source. Thus, Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

Claims 1-12, 19-22, 24-36, 28-37, 39-41, and 44-46 were rejected under 35 USC § 102(b) as being anticipated by Norman (U.S. 5,873,112). Again, to sustain an obviousness rejection each and every element or step in the rejected claims must be taught in the cited reference. The remarks below are made in view of Applicant's amended independent claims, which are presented above.

Applicant can not find in Norman a teaching or a suggestion of a teaching where data sources and target sources are transitory based on operations being performed. Applicant would further like to point out that with respect to a number of the rejected dependent claims Norman stores flag bits separate and apart from the data stream itself. Thus, for these reasons the rejections with respect to Norman should be withdrawn and the claims allowed.

### §103 Rejection of the Claims

Claims 38, 42, and 43 were rejected under 35 USC § 103(a) as being unpatentable over Norman (U.S. 5,873,112) in view of Goldstein (U.S. 2003/0028672). Claim 38 is dependent from claim 33 and claims 42 and 43 are dependent from claim 40. Therefore, for the amendments and reasons presented above with respect to claims 33 and 40 the rejections should be withdrawn and the claims allowed.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**
Serial Number: 09/944,993
Filing Date: August 30, 2001
Title: BIT INVERSION IN MEMORY DEVICES

Page 12
Dkt: 703.155US1

## *Conclusion*

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Joseph P. Mehrle, at (513) 942-0224, or the below-signed attorney, to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
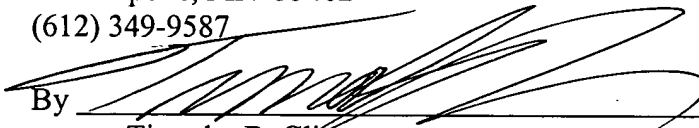
Respectfully submitted,

ANTHONY MOSCHOPOULOS

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9587

Date _____ By _____
Timothy B. Clise
Reg. No. 40,957